

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiffs,

v.

**VICENTE MENDOZA and
RUSSELL PAPROSKI,**

Defendants.

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8:05CR179

ORDER

This matter is before the court on defendants' motions to continue trial (#51 & #53), now set for October 4, 2005. Defendant Mendoza has filed a waiver of speedy trial through October 26, 2005. Defendant Paproski has not filed any speedy trial waiver, as required by NECrimR 12.1, yet seeks a 60-day continuance. I find that the matter should be continued to the next available trial setting, i.e., to November 8, 2005 and that time should be excluded through November 8, 2005.

IT IS ORDERED that defendants' motions (#29 & #53) are granted, in part, as follows:

1. Trial of this matter is continued to Tuesday, **November 8, 2005**.
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **October 4, 2005 and November 8, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reasons stated in defendants' motions. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Counsel for the United States shall confer with defense counsel and electronically file a status report no later than **October 27, 2005** advising the court of the anticipated length of trial.
4. Defendant Paproski shall file a speedy trial waiver on or before **October 4, 2005**.

DATED September 22, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**